

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LORI ANN YANCEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:04-CV-556
)	
MARTY CARSON, et al.,)	
)	
Defendants.)	
)	
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LORI ANN YANCEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:04-CV-610
)	
MARTY CARSON, et al.,)	
)	
Defendants.)	
)	

ORDER OF CONSOLIDATION

These civil actions are before the Court on two motions for consolidation [Doc. 9 in case number 3:04-CV-556 and Doc. 4 in case number 3:04-CV-610]. As defendants note, plaintiffs filed case number 3:04-CV-556 in this Court on November 22, 2004, asserting civil rights and state law claims. The plaintiffs filed a virtually identical complaint in the Scott County Circuit Court on November 24, 2004, asserting the same claims based on the same facts against the same defendants. The Scott County case was removed to this Court on December 23, 2004, as case number 3:04-CV-610. Because the cases involve the same facts, the same claims, and the same parties, defendants contend the cases should be consolidated for all purposes, including trial. The plaintiffs have

provided notice that they consent to the consolidation of these actions [Doc. 10 in case number 3:04-CV-556, Doc. 5 in case number 3:04-CV-610].

The Court finds that the defendants' motions are well-founded and that these cases involve common questions of law and fact and should therefore be consolidated. Fed. R. Civ. P. 42(a). Defendants' motions to consolidate [Doc. 9 in case number 3:04-CV-556 and Doc. 4 in case number 3:04-CV-610] are hereby **GRANTED**. Accordingly, case number 3:04-CV-610 is hereby **CONSOLIDATED** with case number 3:04-CV-556. Case number 3:04-CV-556 will be the lead case and the parties are hereby **ORDERED** to file all pleadings in case number 3:04-CV-556.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE